

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Patrick L. Edwards
Kciichi IWAMURA)	
	:	Group Art Unit: 2624
Appln. No.: 09/660,444)	
	:	Confirmation No. 6601
Filed: September 12, 2000)	
	:	
For: IMAGE PROCESSING)	
APPARATUS AND METHOD	:	
AND STORAGE MEDIUM)	March 7, 2007

MAIL STOP PETITION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

I am a partner in the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 ("the Firm"), and I am an attorney of record in the above-identified application. I am the attorney in the Firm who is primarily responsible for the prosecution of the subject patent application.

A Notice of Abandonment concerning the subject application, dated February 9, 2007, was received by the Firm on February 15, 2007. A copy of the Notice is attached. The Notice indicates that the application was abandoned for failure to respond to an Office Action mailed on November 16, 2005.

I have reviewed the pertinent records, including the entire file of the subject application and the attached docketing records, and I have concluded that the November 16, 2005 Office Action was not received. In accordance with M.P.E.P. § 711.03(c), attached is a copy of the docket record where the response to the November 16, 2005 Office Action would have been entered had that Office Action been received and docketed. Specifically, attached is a copy of the Firm's Master Docket record showing all replies docketed as being due on February 16, 2006, which is the date three months from the mailing date of the November 16, 2005 Office Action. (The first three digits of the application numbers have been redacted to preserve confidentiality.)

In view of the foregoing, Applicant's undersigned representative submits that the November 16, 2005 Office Action was never received by the Firm. Withdrawal of the holding of abandonment, and remailing of the November 16, 2005 Office Action, are requested pursuant to M.P.E.P. § 711.03(c).

The Commissioner is authorized to charge any fee required for consideration of this Petition to Deposit Account No. 06-1205.

Applicant's representative can be reached by telephone in our Washington, DC office at 202-530-1010. All correspondence should continue to be directed to the mailing address below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'B. L. Klock', is written over a horizontal line.

Attorney for Applicants
Brian L. Klock
Registration No. 36,570

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/660,444

09/12/2000

Keiichi Iwamura

35.C14834

6601

5514 7590 02/09/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

EDWARDS, PATRICK L

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

02/09/2007

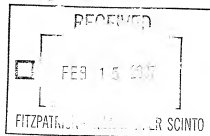
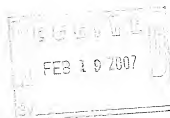
PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

03500, 014834.

BLK

Erroneous Notice of
Abandonment



Notice of Abandonment

Application No.

09/660,444

Examiner

Patrick L. Edwards

Applicant(s)

IWAMURA, KEIICHI

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 16 November 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
(c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant has not responded to the final rejection mailed on 11-16-2005



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

MASTER DOCKET - From 020106 to 022106

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Docket Number Attorney Action Application No

~~2/16/2006~~ ~~01687.401100~~ ~~Behringer, John W.~~ ~~Request For Reconsideration by Hand per EPH on 2/14/06~~ ~~10/14/06~~
Remarks (NO RECORD BEFORE 4/04) EMAIL 050504 - NO FOREIGN FILING;

~~2/16/2006~~ ~~03086.000003~~ ~~Berechodsky, Jonathan~~ ~~Convention Check~~ ~~03-09-2005~~
Remarks (BASED ON PVL APPLN) (MPS) Country of Origin - USA LastUpdate - 03-09-2005

~~2/16/2006~~ ~~00137.00002636~~ ~~DeLucia, Frank A.~~ ~~Foreign Filing 1 month reminder~~ ~~9/03/04~~
Remarks (COPY AMZ) RX 5494885 OF 022796 BY DAI NIPPON PRINT CO. (GENERAL CO); FX 011805 - FILE REX ASAP; FX 030905
LastUpdate - 04-07-2005

~~2/16/2006~~ ~~03500.014318.1~~ ~~DeLucia, Frank A.~~ ~~STATUS: CERTIFICATE OF CORRECTION 10/14/06~~ ~~638~~
Remarks #2879; (EXP04); 1.53B DIV - PATA/ALW=0; 1.53B DIV FILED 081104; PTA/ALW=158; PTA/IFN=158; Country of Origin - JAPAN LastUpdate - 02-17-2005

~~2/16/2006~~ ~~03500.014318.1~~ ~~DeLucia, Frank A.~~ ~~STATUS: CERTIFICATE OF CORRECTION 10/14/06~~ ~~638~~
Remarks #2879; (EXP04); 1.53B DIV - PATA/ALW=0; 1.53B DIV FILED 081104; PTA/ALW=158; PTA/IFN=158; Country of Origin - JAPAN LastUpdate - 02-17-2005

~~2/16/2006~~ ~~03500.017553~~ ~~DeLucia, Frank A.~~ ~~STATUS: CERTIFICATE OF CORRECTION 10/14/06~~ ~~013~~
Remarks #2821; (EXP04) FLOPPY RCD 10/14/06; PTA/ALW=0; PTA/IFN=0; PTA/LP=0; Country of Origin - JAPAN LastUpdate - 02-17-2005

~~2/16/2006~~ ~~03500.017553~~ ~~DeLucia, Frank A.~~ ~~STATUS: CERTIFICATE OF CORRECTION 10/14/06~~ ~~013~~
Remarks #2821; (EXP04) FLOPPY RCD 10/14/06; PTA/ALW=0; PTA/IFN=0; PTA/LP=0; Country of Origin - JAPAN LastUpdate - 02-17-2005

MASTER DOCKET - From 020106 to 022106

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Date	Docket Number	Attorney	Action	Application No
1/25/2006 2:33:08				
1/26/2006	03121.000300.1	1/26/06 - Pvd Fee Can 2/16/06 (Copy dock. # to 03005.00300.1?) Diperna, Raymond	Issue/Publication Fee due	1044638
Remarks	1.53B DIV - PAR TO ISSUE; #PREVIOUSLY 224.300 D1# OA OF 022805 IS 2 MOS XPQ; PTA=159			
2/16/2006	01704.025000	N2-BK-V 3-16-06 Ermit, Peter	Notice to File Missing Parts initial deadline	1104650
Remarks	(PE) (BASED ON PVL APPLN) Last Update - 02-18-2005			
2/16/2006	03129.000800 PC	Glueck, Daniel S.	PCT - 10 month Chapter II Demand Deadline	115051912
Remarks	see above			
2/16/2006	03129.000800 PC	Glueck, Daniel S.	Receive copy of published patent specification	115051912
Remarks	N2-BK-V 3-16-06			
2/16/2006	03500.014270	Glueck, Daniel S.	3-month Office Action initial deadline	09446530
Remarks	2ND RCE FILED 111804; N2-BK-V 3-16-06			
2/16/2006	03134.006004	Glueck, Thomas	Notice to File Missing Parts initial deadline	20446316
Remarks	No fee due			
2/16/2006	01190.000500	Holowacz, Elizabeth F.	Next renewal date	08/16/08
Remarks	Country of Origin - USA Last Update - 06-13-2004			
2/16/2006	00862.022413	Klock, Brian L.	Notice of Appeal due - Last Day	00446177
Remarks	attend after final filed 091305;			

MASTER DOCKET - From 020106 to 022106

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Print : 1/25/2006 2:33:09	Docket Number	Attorney	Action	Application No
2/16/2006	00862 022413	Klock, Brian L.	Appeal - 3 month extension	00862 022413
Remarks	amend after final filed 091305;			
2/16/2006	02369.009202.	Klock, Brian L.	STATUS: CERTIFICATE OF CORRECTION 09/04/0273	
Remarks	#2674; (KEEP AS BLK)IST CP# 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005			
2/16/2006	02369.009202.	Klock, Brian L.	STATUS: CERTIFICATE OF CORRECTION 09/04/0273	
Remarks	#2674; (KEEP AS BLK)IST CP# 110600; IST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (##COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	FLOPPY RECD W/APPLN;			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	Amendment by Hand per B/Lk on 2/15/06			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	RCE + Amend + IDS by can per 3FT on 2/16/06			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	FINAL 3 month Office Action initial deadline 10/04/0389			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	FAX 022103 - FILE IN EP/CN/KR/JP; CRT COPIES RCD 0321/032403; LastUpdate - 10-05-2004;			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	Dec 11/06 + Assignment by can per 3FT on 2/15/06			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	Notice to File Missing Parts initial deadline 11/04/03			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	(NO MEMO - PARTIAL RECORDS) (BASED ON PVL APPLN)			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	RQ INTF STAT-47			
2/16/2006	03560.003103	Klock, Brian L.	3 month-Office Action initial deadline	03560.003103
Remarks	#2873;(35.CI 0698 C/D2)#ORIG AMZ; COPY DSG# #REQ FOR INTF FILED# COPY CLMS RE: PAT 6195207;			

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application

22/6/2006	Amund + Pet 5K by Hand in JKS on 2/16/06	3 month-Office Action - 3 month extension - 10/10/06
Remarks	Pinsky, Douglas W.	
	00862.022180.1	
	153B DIV. - PAR to ISSUE: SWS 112505 - prepare & send disclaimer	

2462006-----03500015462
 Pinsky, Douglas W.
 3 month Office Action initial deadline
 (JOINT ASSIGNMENT); (ST RCE FILED 041604; FEDEX 041205 - ASSIGN
 Remarks
 3/28/21
 6947257

216-2006	0087-2005-13	Reminded on 3/16/05	Request for Reconsideration on Petition due 09/08/18
Remarks	PTA/ALW=0; PTA/JFN = 0 DAYS; JF 020304 - RQ FOR OFR; FEDX 033004 - ORIG LP; M-FEES TO BE PAID BY CPA;		

24462006 01907 030500 PC Russo, Alicia A. PCT - Int'l Prelim Exam Request *see Ben* 11/05/07

16/06/2006	01007 070500 DC	Buenos Aires, Alicia A.	Desempeño en el Western Champion Dns	19097-0097
Remarks	(NO MEMO - NO RECORDS)	No resp. ~ AA/Am 2-15-06		

2/16/2006	03:50:01 17167	NO MEMO - NO RECORDS	W-161-0 3-16-06	Advisory with 2 month extension	10/10/06 152
2/16/2006	03:50:01 17167	NO MEMO - NO RECORDS		FI copy & CD-R RCD W/APLN: (NO DWGS): 1ST RCE FILED 042105: Advisory rec'd 1/9/06:	

2/16/2006	Amend. by hand in sts on 2/16/06	Wonnisky, William M.	month Office Action initial deadline	2/16/2006
Remarks	153b div. Tlepy 101 105 - amend claims; tlepy 101 105 - amend claims in use; Fax 10205 - Defer filing claims;			

2446/2006
Remarks
Amended by hand per JAS on 2/16/09
Wamisky, William M.
006819033306
3 month Office Action initial deadline ~~11/11/05~~ 5
Tlcw 01/1015 - amend claims; Fax 102005 - Send draft claims; Fax 102705 - Deter filing Claims for now;
2/11/12

MASTER DOCKET - From 020106 to 022106

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Date	Docket Number	Attorney	Action	Application No
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REQ RECOVER ATTORNEY
03300.014620.1

Wannisky, William M.

AFTER #12000

BY HMAID

PER SSC on 4/10/06

FINAL 3 month Office Action initial deadline

10/10/06

11/1/06

Remarks 1.53B DIV - PAR TO ISSUE; 1ST RCE FILED 022805;

207 2/12-2/12

RCE + PRELIM BY HAND FOR WNW on 2/17/06

FINAL 3 month Office Action initial deadline

11/10/06

Remarks IPT 011106 - RCE WPRELIM;

RCE + PRELIM BY HAND PER SEU on 2/10/06

Warner, Steven E.

FINAL 3 month Office Action initial deadline

RE: ERROR IN SBST SPEC;

10/10/06

11/10/06

Remarks 1.53B DIV - PAR TO ISSUE; (P199-1499USA); EMAIL 022205 - RE: ERROR IN SBST SPEC;

Amend + Appl Noel by hand for SEU 2/12/06

Warner, Steven E.

FINAL 3 month Office Action initial deadline

11/10/06

11/10/06

11/10/06

Remarks FLOPPY RCD W/APLN; IPT 122805 - INSTR;

See above

00862.516797

Warner, Steven E.

Drawings Correction Due

11/10/06

11/10/06

11/10/06

Remarks FLOPPY RCD W/APLN; IPT 122805 - INSTR;

No FV

03500.015058 +

Williamson, Mark A.

Foreign Filing 6 month reminder

11/10/06

11/10/06

11/10/06

Remarks amend a/f filed 071505; 1.53b div filed 081605

Per Appl 060 2/15/06

Yu-Jainnes, Lock See

Issue/Publication Fees due

10/10/06

10/10/06

10/10/06

Remarks FLOPPY RCD W/APLN; PTA=13

WJ-06-10 3-11-06

Yu-Jainnes, Lock See

FINAL 3 month Office Action initial deadline

10/10/06

10/10/06

10/10/06

Remarks 01807.002083

CU/LET 011305 - INQRY; FAX 101305 - CLIENT DISAGREE WITH EXAMINER;